

Before the  
Administrative Hearing Commission  
State of Missouri



JOHN WESLEY GARRETT,

Petitioner,

vs.

DIRECTOR OF INSURANCE,  
FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION,

Respondent.

No. 07-1859 DI

07A00468

**ORDER**

We deny the motion for stay filed by John Wesley Garrett because we have no jurisdiction to grant it.

Garrett filed the motion on November 9, 2007. The Director of Insurance, Financial Institutions, and Professional Registration ("the Director") filed a response in opposition to the motion on November 20, 2007. We have the power to:

stay or suspend any action of an administrative agency pending the commission's findings and determination in the cause. The administrative hearing commission may condition the issuance of such order upon the posting of bond or other security in such amount as the commission deems necessary to adequately protect the public interest.<sup>[1]</sup>

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<sup>1</sup>Section 621.035. Statutory references are to RSMo 2000 unless otherwise noted.

Garrett's complaint appeals a decision by the Director denying his application to renew his bail bond agent license, but whether our stay affords Garrett any relief depends on the nature of such license.

The denial of a continuing license, one of which the statutes require renewal upon application and payment of a fee,<sup>2</sup> is more like the discipline of an existing license. If the license ends at a time certain by operation of a law<sup>3</sup> and no statute entitles the applicant to renewal,<sup>4</sup> we may "issue an appropriate order to accomplish . . . renewal[.]" But we may only do so "[i]f at the hearing the applicant shall show that under the law he is entitled to . . . renewal[.]"<sup>5</sup>

The standards for renewal of a bail bond agent license are within the Director's rulemaking authority:<sup>6</sup>

All licenses issued to bail bond agents and general bail bond agents under the provisions of sections 374.700 to 374.775 shall be **renewed** biennially, which renewal shall be **in the** form and **manner prescribed** by the department and shall be accompanied by the renewal fee set by the department.[<sup>7</sup>]

The Director's regulations require the renewal applicant to list continuing education credits that conform to the Director's standards,<sup>8</sup> and incorporate his renewal application form,<sup>9</sup> which requires information on actions by governmental and industry entities.<sup>10</sup> Such inquiry is more than ministerial and requires proof of qualifications before issuance of the license.

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<sup>2</sup>*Friedman v. Division of Health*, 537 S.W.2d 547, 549 (Mo. banc 1976).

<sup>3</sup>*Id.*

<sup>4</sup>*State ex rel. Garrett v. Randall*, 527 S.W.2d 366, 372-73 (Mo. banc 1975).

<sup>5</sup>Section 621.120.

<sup>6</sup>Section 374.705, RSMo Supp. 2006.

<sup>7</sup>Section 374.730, RSMo Supp. 2006. The Director cites § 374.715, but that statute applies to the issuance of an initial license.

<sup>8</sup>Regulation 20 CSR 700-6.160(13).

<sup>9</sup>Regulation 20 CSR 700-6.100(1)(B) and (4).

<sup>10</sup>Form BR.

We conclude that Garrett's license is an expiring license, so we deny the motion.

SO ORDERED on December 11, 2007.

  
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JUNE STRIEGEL DOUGHTY  
Commissioner